

TITLE 27- California Environmental Protection Agency

DRAFT NOTICE OF PROPOSED RULEMAKING

The California Environmental Protection Agency (Cal/EPA) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

Notice is hereby given that Cal/EPA proposes to adopt regulations authorized under Public Resource Code section 71116 to describe how Environmental Justice Small Grant Program funds are to be allocated and awarded as authorized under the Environmental Justice Small Grant Program. (Stats. 2002, c. 994)

PUBLIC HEARING

The Cal/EPA Office of the Secretary has not scheduled a public hearing on the proposed action. Interested parties may request a public hearing by submitting a request in writing, no later than May 11, 2003, as authorized pursuant to Section 11346.8 of the Government Code. Such request should be addressed to the Authority Contact Person identified below and should specify the Environmental Justice Small Grant Program for which the hearing is being requested.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to Cal/EPA. The written comment period closes at 5:00 p.m. on May 26, 2003. Cal/EPA will only consider comments received by that time. Submit comments to:

Mr. Romel Pascual, Asst. Secretary for Environmental Justice
California Environmental Protection Agency
Office of the Secretary
1001 I Street
P.O. Box 2815
Sacramento, CA 95812

Comments may also be e-mailed to envjust@calepa.ca.gov

AUTHORITY AND REFERENCE

Penal Code Section 71116 authorizes Cal/EPA to adopt the proposed regulations, which would implement, interpret, or make specific section 71116 of the Public Resource Code.

INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

Pursuant to Section 71116 of the Public Resource Code, the Agency is authorized to award project grants that address environmental justice issues. For this purpose, the Agency is authorized to allocate a minimum of (maximum of twenty thousand dollars (\$20,000) and a minimum of five thousand dollars (\$5,000) for each project.

The proposed regulations will implement, interpret and specify how grants funded to support projects that address environmental justice shall be allocated or awarded. The regulations will describe the procedures for applying for the EJ Small Grant Program, the criteria to be used in determining which applications will be funded and the administrative and fiscal requirements governing the receipt and expenditure of the grants in accordance to the Public Resource Code section 71116.

TEXT OF REGULATIONS AND STATEMENT OF REASONS AVAILABLE

Cal/EPA has prepared an initial Statement of Reasons for the proposed regulations, in addition to the informative digest included in this Notice of Proposed Action and Notice of Public Hearing. The express terms of the proposed regulations as contained in the Agency's filing, the Notice of Proposed Action and Notice of Public Hearing and the Initial Statement of Reasons will be made available for review or provided without charge upon written request to the contact person for these hearings. The filing may be accessed on the Agency's website at www.calepa.ca.gov in the environmental justice section.

DISCLOSURES REGARDING THE PROPOSED ACTION

Cal/EPA has made the following initial determinations:

Mandate on local agencies and school districts: None.

Costs or savings to State Agencies: The Secretary has determined that the proposed regulations explaining the procedures and processes the Agency will use in awarding grants under the Environmental Enforcement and Training Grant Program will have minimal, if any, fiscal or economic impact on state agencies. Failure to adopt the regulations would result in the inability of the Agency to provide grant funding under the program.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 71630: None.

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: Cal/EPA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these regulations will not:

- (1) create or eliminate jobs within California;
- (2) create new businesses or eliminate existing businesses within California; or
- (3) affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The Secretary of Cal/EPA has determined that the Environmental Justice Small Grant Program will not affect small businesses because these regulations do not directly regulate small businesses. The new regulations apply to the distribution of environmental justice grants that fund projects addressing environmental justice issues.

CONSIDERATION OF ALTERNATIVES

These regulations are necessary to implement the Environmental Justice Small Grant Program (Public Resource Code, Section 71116) that will establish grant funding to projects that address environmental justice issues. No other alternative or grant program authorized under statute exists to fulfill the objectives outlined in this Grant Program.

Cal/EPA invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Romel Pascual, Assistant Secretary for Environmental Justice
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812
Telephone: (916) 324-8425

The backup contact persons for these inquiries are:

Juan Aquino
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812
Telephone: (916) 445-1190

Malinda Hall
California Environmental Protection Agency
1001 I Street
P.O. Box 2815
Sacramento, CA 95812
Telephone: (916) 445-9480

Questions on the substance of the proposed regulations may be directed to Mr. Pascual, Mr. Aquino or Ms. Hall.

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Pascual at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Cal/EPA will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address during normal business hours. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations and the Initial Statement of Reasons. Copies may be obtained by contacting Romel Pascual at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, Cal/EPA may adopt the proposed regulations substantially as described in this notice. If Cal/EPA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before Cal/EPA adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Romel Pascual at the address indicated above. Cal/EPA will accept comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Cal/EPA is required to prepare a Final Statement of Reasons. Once the Agency has prepared a Final Statement of Reasons, a copy will be available upon request. Requests for copies should be made to Romel Pascual at the address indicated above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at www.calepa.ca.gov/EnvJustice/.